



Serial No.: 09/743,997

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applicant : William Henry Mengel
Serial No. : 09/743,997
Filed : March 13 2001
For : USE OF ON-SCREEN DISPLAY (OSD) FOR SUPPLYING
CONTROL AND AUXILIARY INFORMATION TO EXTERNAL
DEVICES
Examiner : Paulos M. Natnael
Art Unit : 2614
Customer No. : 24498

APPEAL BRIEF

May It Please The Honorable Board:

This is Appellants' Brief on Appeal from the final rejection of claims 1-3 and 5-9.
Please charge the \$500.00 fee for filing this Brief to Deposit Account No. 07-0832.
Appellants waive an Oral Hearing for this appeal.

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Linda Tindall

Date:

11/1/05

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 09/743,997 is the Assignee of record:

Thomson Licensing S.A.
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II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/743,997 known to the undersigned attorney.

III. STATUS OF THE CLAIMS

Claims 1-3 and 5-9 are rejected and the rejection of claims 1-3 and 5-9 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 provides a method of receiving information usually included in a blanking interval of an analog video signal. The method includes receiving an analog video signal including information usually included in a blanking interval formatted as on screen display (OSD) data (page 4, lines 9-12). The information formatted as OSD data is detected and extracted from the analog signal (page 4, lines 16-21). The information for producing a control signal is then processed (page 5, lines 5-11).

Dependent claim 2 includes all the limitations contained in Independent claim 1 and further discloses that the formatted information is inserted into the analog video signal during non-blanking portions (page 4, lines 13-16).

Dependent claim 3 includes all the limitations contained in Independent claim 1 and further discloses that the information is control data (page 4, lines 9-12).

Dependent claim 5 includes all the limitations contained in Independent claim 1 and further discloses that the information is contained in the digital video signal (page 1, lines 10-11; page 6, lines 7-11).

Dependent claim 6 includes all the limitations contained in Independent claim 1 and further discloses that the information is determined by the video receiver (page 6, line 24-26).

Dependent claim 7 includes all the limitations contained in Independent claim 1 and further discloses that the formatted information is displayable in an overscan region (page 7, lines 13-16).

Dependent claim 8 includes all the limitations contained in Independent claim 1 and further discloses that the video receiver provides a sync signal to the external device (page 8, lines 11-17).

Independent claim 9 recites a method of formatting information usually included in a blanking interval of an analog video signal. The method includes receiving a digital video signal (page 6, lines 2-4). An information signal usually included in a blanking interval of

an analog video signal is then provided to an OSD generator (page 6, line 27-page 7, line 5). The information signal is then formatted as OSD data and inserted into the video signal (page 7, lines 6-8). The digital video signal is then converted to an analog video signal (page 7, lines 17-20). The analog signal including the information signal formatted as OSD data is then provided to an external device (page 7, line 31 to page 8, line 3).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner has rejected claim 1 as being anticipated under 35 USC 102(e) by Sparks (US Patent No. 6,034,738).

The Examiner has rejected claim 9 as being anticipated under 35 USC 102(e) by Ogino (US Patent No. 6,449,425).

The Examiner has rejected claims 1-3 and 5-8 as being anticipated under 35 USC 102(e) by Knox et al. (US Patent No. 6,480,238).

The Examiner has rejected claims 4 and 9 as being unpatentable under 35 USC 103(a) over Knox et al. (US Patent No. 6,480,238).

VII. ARGUMENT

Ogino does not anticipate the present claimed invention. Sparks does not anticipate the present claimed invention. Knox et al. neither anticipate nor make unpatentable the present claimed invention. Thus, reversal of the Final Rejection (hereinafter termed

“rejection”) of claims 1-3 and 5-9 under 35 U.S.C. §§ 102(e) and 103(a) is respectfully requested.

Overview of the Cited References

Sparks describes a method for facilitating an on-screen display of recorder player status messages. Three signals are input, one input being an analog signal with OSD data. The OSD data includes recorder status display information. When selected, the viewer is present with all three signals wherein the first two signals are video and audio signals. The OSD data is stated in Sparks as being recorder status display information and intended solely for on-screen display. This information is formatted for analog video display and added or combined with the MPEG decoded video signal.

Ogino describes a system for preventing the duplication of information on a recorded medium. Digitized video signals, audio signals and two types of anti-duplication control signals are generated correlated together as the additional information are recorded in a disk (column 7, lines 25-29). The anti-duplication signals are “superimposed...on the 10-th horizontal interval of the vertical retrace line erasing period of the video signal” (column 8, lines 14-17). When a user then tries to illegally copy the recorded medium the system “generates and outputs a display message...using so-called OSD” (column 13, lines 39-45).

Knox et al. describe a method and apparatus for generating an OSD message by constructing an OSD bitstream defining a single field of OSD data. “The OSD unit allows a user (manufacturer) to define a bit map for each field which can be superimposed on the decoded image. The OSD bit map may contain information...concerning the configuration

and options of a particular consumer electronics product...closed captioning and channel logos” (Column 3, lines 46-53).

Rejection of Claim 1 under 35 USC 102(e)
over Sparks (US Patent No. 6,034,738).

The Examiner has rejected claim 1 as being anticipated under 35 USC 102(e) by Sparks (US Patent No. 6,034,738).

CLAIM 1

Reversal of the rejection of claim 1 under 35 U.S.C. 102(e) as being unpatentable over Sparks is respectfully requested. The rejection erroneously states that claim 1 is anticipated by Sparks for the reasons discussed hereinbelow.

Specifically, Sparks describes a method and apparatus for reproducing a digital video representative signal stored on a recorded medium connected to a receiving device including a decoder (see Sparks, column 2, lines 17-20). A processing means produces an output signal bit stream from a digital video representative signal stored on the recorded medium for decoding by the decoder (see Sparks, column 4, lines 30-43). A message generator is responsive to an operating mode of the apparatus and generates a message representative of an operating mode (see Sparks, column 4, lines 52-59). A receiving means receives a decoded video signal from the output signal and displays a message signal from the generating means, and adds the display message to the decoded video signal (see Sparks, column 4, lines 59-67). Sparks is concerned with providing OSD messages for video recorder devices. Sparks does so by combining such display messages as recorder status, warnings and tape timer with decoded video signals. Sparks provides a method and

apparatus for synchronizing such displays with video signals. The OSD data which Sparks discloses is merely status display information stored on a recorded medium connected to a receiving device. The information intended for on-screen display is formatted for analog video display and combined with the MPEG decoded video signal.

The present claimed invention, however, is concerned with generating or emulating control and/or auxiliary information or any other data or information traditionally delivered along with the video information in the blanking areas in a similar format in the non-blanked portions of the video signal for decoding by external devices. Depending on the capabilities of the broadcast network and the digital receiver/decoder, it may not be possible to include some or any of the auxiliary information in the blanking intervals generated by the digital receiver. Additionally, a video receiver having an RGB component or similar output may not have blanking intervals and as a result can not include auxiliary information in the conventional manner. The present claimed invention addresses this issue by providing a method for receiving information usually included in a blanking interval of an analog video signal formatted as OSD data. This is entirely different than the system disclosed by Sparks. The only OSD data Sparks is concerned with is status display information such as operational status, warning conditions, tape duration, record time, time code, etc. of a video recorder. This is not equivalent to the present claimed invention which deals with information which is usually included in a blanking interval formatted as OSD data, but provided in the non-blanking region because of limitations in the blanking interval. Sparks has no knowledge of dealing with other OSD data, such as closed captioning, extended data service, and vertical interval test signals, typically delivered in the blanking intervals of an analog video signal. Thus, Sparks neither discloses nor suggests “receiving an analog video signal including information usually included in a blanking interval formatted as OSD data” as in the present claimed invention.

The Advisory Action cites Figures 2 of Sparks as disclosing a display device which receives the A/V and OSD signal. The Advisory Action further asserts that Sparks discloses the display and the selector which is controlled by a CRTL and that OSD data is extracted from the audio/video signal and transferred to the display. This OSD data in Sparks, as stated above, is limited to status display information such as operational status, warning conditions, tape duration, record time, time code, etc. of a video recorder which is intended for display. This is not equivalent to OSD data usually included in a blanking interval formatted as OSD data, such as closed captioning, extended data service, and vertical interval test signals. Consequently, Sparks neither discloses nor suggests “receiving an analog video signal including information usually included in a blanking interval formatted as OSD data” as in the present claimed invention. Sparks also neither discloses nor suggests “processing the information for producing a control signal” as claimed in claim 1 of the present invention. Therefore, Applicant respectfully submits that claim 1 is not anticipated by Sparks.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within Sparks that anticipates the present invention as claimed in independent claim 1. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claim 9 under 35 USC 102(e)
over Ogino (US Patent No. 6,449,425).

The Examiner has rejected claim 9 as being anticipated under 35 USC 102(e) by Ogino (US Patent No. 6,449,425).

CLAIM 9

Reversal of the rejection of claim 9 under 35 U.S.C. 102(e) as being unpatentable over Ogino is respectfully requested. The rejection erroneously states that claim 9 is anticipated by Ogino for the reasons discussed hereinbelow.

Specifically, Ogino describes a system for preventing the duplication of information on a recording medium. This is achieved by providing digitized video signals and audio signals and two types of anti-duplication control signals (spectral spread anti-duplication control signal and copy guard signal) generating correlated together as the additional information recorded on a disk (Column 7, lines 25-29). The spectral spread (SS) anti-duplication control signal and copy guard signal are signals for indicating generation restriction such as duplication permission of the first generation, or duplication inhibition or permission of the video signal. The anti-duplication signals are superimposed on the horizontal interval of the vertical retrace line erasing period of the video signal (Column 8, lines 14-17) in the same time and the same frequency as the video signal. When a user attempts to illegally copy the recording medium, the system generates and outputs a display message for notifying a user that the video signal recorded in the disk is an illegally duplicated video signal correspondingly to the control signal supplied from the output control signal generation section (column 13, lines 39-43). The notification message generation uses so-called OSD, and generates a notification message of one screen and outputs to it (column 13, lines 43-45).

The Advisory Action asserts that Ogino discloses including information in an analog video signal using OSD. However, Ogino merely correlates anti-duplication signals with a video and audio signal. The anti duplication signals are correlated in the erasing period (e.g. blanking interval) of the video signal. The OSD generator is merely used to

notify a user of copyrighted material. Ogino does not use an OSD generator to format the provided "information signal usually included in a blanking interval of an analog video signal...as OSD data" as in the present claimed invention. In fact, the anti-duplication signals of Ogino are never formatted as OSD data or provided in OSD format. Ogino is concerned with providing OSD messages for the purpose of notifying a user of illegal duplication of a video. Ogino accomplishes this by outputting a notice message instead of the playback video signal if any one of the SS anti-duplication control signal and copy guard signal is missed. The OSD data which Ogino discloses is merely a predetermined message, prompted only when the SS anti-duplication control signal and copy guard signal is missed.

The present claimed invention, however, is concerned with generating or emulating control and/or auxiliary information of any other data or information traditionally delivered along with the video information in the blanking areas in a similar format in the non-blanked portions of the video signal for decoding by external devices. Depending on the capabilities of the broadcast network and the digital receiver/decoder, it may not be possible to include some or any of the auxiliary information in the blanking intervals generated by the digital receiver. Additionally, a video receiver having an RGB component or similar output may not have blanking intervals and as a result can not include auxiliary information in the conventional manner. The present claimed invention addresses this issue by providing a method for receiving information usually included in a blanking interval of an analog video signal formatted as OSD data. This is entirely different than the system disclosed by Ogino. The only OSD data Ogino is concerned with is a notification message that informs a user that a video is being illegally duplicated. This is not equivalent to the present claimed invention which deals with information which is usually included in a blanking interval formatted as OSD data, but provided in the non-blanking region because

of limitations in the blanking interval. Ogino neither discloses nor suggests dealing with other OSD data, such as closed captioning, extended data service, and vertical interval test signals, typically delivered in the blanking intervals of an analog video signal. Additionally, there is no teaching in Ogino that the anti-duplication signals are formatted as OSD data or provided in OSD format. Therefore, Ogino neither discloses nor suggests “providing an information signal usually included in a blanking interval of an analog video signal to an OSD generator” and “formatting the information signal as OSD data” as claimed in claim 9 of the present invention. Furthermore, Ogino is not concerned with providing information usually included in a blanking interval of an analog video signal when a blanking interval is undesirable or absent. Therefore, it is respectfully submitted that Ogino is not even concerned with the inventive aspect of the present claimed invention.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within Ogino that anticipates the present invention as claimed in independent claim 9. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claims 1-3 and 5-8 under 35 USC 102(e)
over Knox et al. (US Patent No. 6,480,238).

CLAIMS 1-3 and 5-8

Reversal of the rejection of claims 1-3 and 5-8 under 35 U.S.C. 102(e) as being unpatentable over Knox et al. is respectfully requested. The rejection erroneously states that claims 1-3 and 5-8 are anticipated by Knox et al. for the reasons discussed hereinbelow.

Specifically, Knox et al. describe a method and apparatus for generating an OSD message by constructing an OSD bitstream defining a single field of OSD data. The OSD bitstream contains an OSD header and OSD data. An OSD unit retrieves pixel control information from the OSD header which is programmed by a processor of a decoding/displaying system. The OSD header contains information including various pointers that are used to provide instructions as to the treatment of the OSD data. The OSD unit allows a user (manufacturer) to define a bit map for each field which can be superimposed on the decoded image. The OSD bit map may contain information which is stored in a storage device, such as a ROM, concerning the configuration and options of a particular consumer electronics product. Alternatively, the OSD bit map may contain information relating to closed captioning and channel logos that are transmitted from a cable television, a video disk, and the like (column 3, lines 46-54).

The Advisory Action contends that Knox et al. disclose receiving an analog video signal containing information usually included in a blanking interval of an analog video signal formatted as OSD data. The Advisory Action further contends that Knox et al. describes a display including a video decoder and OSD unit which detects the signal including OSD data, and that the display would not be able to display the OSD without first detecting it. Knox et al., however, merely disclose the manipulation of data typically encoded as OSD data using an OSD header. Knox et al. are not concerned with producing a control signal after processing the information encoded in OSD format. Additionally, the Advisory Action states that it is notoriously well known in the art that a non-video data or information would be included in the vertical blanking interval of the video signal, and therefore, it would have been obvious to those skilled in the art at the time the invention was made to modify the system of Knox et al. by including or providing the non-video data in the blanking interval of the analog video signal in order for the receiver to reliably

extract the non-video data from the vertical blanking interval and display or transmit the same to other devices with the system. The present claimed invention, however, is concerned with generating or emulating control and/or auxiliary information of any other data or information traditionally delivered along with the video information in the blanking areas in a similar format in the non-blanked portions of the video signal for decoding by external devices. Certain broadcast network and digital receiver/decoder may not have the capability to include some or any of the auxiliary information in the blanking intervals generated by the digital receiver. Additionally, a video receiver having an RGB component or similar output may not have blanking intervals and as a result can not include auxiliary information in the conventional manner. The present claimed invention provides a method for receiving information usually included in a blanking interval of an analog video signal formatted as OSD data.

The system of Knox et al. neither discloses nor suggests dealing with other OSD data, such as closed captioning, extended data service, and vertical interval test signals, typically delivered in the blanking intervals of an analog video signal. While Knox et al. describe a method and apparatus for generating an OSD message by constructing an OSD bitstream defining a single field of OSD data, Knox et al. neither disclose nor suggest “receiving an analog video signal including information usually included in a blanking interval formatted as OSD data” and “detecting...extracting...and processing the information for producing a control signal” as claimed in claim 1 of the present claimed invention.

Claims 2-3 and 5-8 are dependent on independent claim 1 and therefore the arguments presented above are applicable to dependent claims 2-3 and 5-8 thereby rendering claims 2-3 and 5-8 patentable for the same reasons as discussed above regarding claim 1.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within Knox et al. that anticipates the present invention as claimed in independent claim 1. As claims 2-3 and 5-8 are dependent on independent claim 1, Applicant respectfully submits that claims 2-3 and 5-8 are also not anticipated by Knox et al. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claim 9 under 35 USC 103(a)
over Knox et al. (US Patent No. 6,480,238)

Reversal of the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Knox et al. is respectfully requested. The rejection erroneously states that claim 9 is obvious in view of Knox et al. for the reasons discussed hereinbelow.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v.*

Delta Resins & Refractories, Inc., 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

CLAIM 9

Specifically, Knox et al. describe a method and apparatus for generating an OSD message by constructing an OSD bitstream defining a single field of OSD data. The OSD bitstream contains an OSD header and OSD data. An OSD unit retrieves pixel control information from the OSD header which is programmed by a processor of a decoding/displaying system. The OSD header contains information including various pointers that are used to provide instructions as to the treatment of the OSD data. The OSD unit allows a user (manufacturer) to define a bit map for each field which can be superimposed on the decoded image. The OSD bit map may contain information which is stored in a storage device, such as a ROM, concerning the configuration and options of a particular consumer electronics product. Alternatively, the OSD bit map may contain information relating to closed captioning and channel logos that are transmitted from a cable television, a video disk, and the like (column 3, lines 46-54).

The Advisory Action contends that Knox et al. disclose a decoding system which receives the bitstreams of a digital signal and detects the signal including the OSD data. The Advisory Action then takes Official Notice that non-video data is included in the vertical blanking interval. The Advisory Action then jumps to the conclusion that it would be obvious to include the non-video data from the blanking interval in order for a receiver to reliably extract the non-video data from the VBI. This reasoning is not understood by

Applicant. Furthermore, it is respectfully submitted that in order to obtain the present claimed invention from Knox et al. the Examiner appears to be using impermissible hindsight to obtain the present invention from the teaching of Knox et al. Knox et al. is concerned with generating an OSD message by constructing an OSD bitstream defining a single field of OSD data. The Examiner seems to jump to the conclusion that as the display would have to detect the signal including OSD data and non-video data is usually included in the vertical blanking interval that it is obvious to modify Knox et al. to "extract the non-video data from the VBI and display or transmit the same to other devices within the system, so that the active video portion would be used for the main video signal."

As discussed above, Knox et al. are concerned with generation of an OSD bitstream and insertion of the OSD bitsream into a video signal. Knox et al. are not concerned with formatting information usually encoded in a blanking interval of an analog signal as OSD data as in the present invention. Knox et al. are not even concerned with information transmitted in the blanking interval. Knox et al. are merely concerned with providing OSD data in a video signal. The present claimed invention, however, is concerned with generating or emulating control and/or auxiliary information or any other data or information traditionally delivered along with the video information in the blanking areas in a similar format. Certain broadcast network and digital receiver/decoder may not have the capability to include some or any of the auxiliary information in the blanking intervals generated by the digital receiver. Additionally, a video receiver having an RGB component or similar output may not have blanking intervals and as a result can not include auxiliary information in the conventional manner. The present claimed invention provides a method for receiving information usually included in a blanking interval of an analog video signal formatted as OSD data. This is entirely different than the system disclosed by Knox et al. Knox et al. neither discloses nor suggests dealing with other OSD data, such as closed

captioning, extended data service, and vertical interval test signals, typically delivered in the blanking intervals of an analog video signal. While Knox et al. describe a method and apparatus for generating an OSD message by constructing an OSD bitstream defining a single field of OSD data, Knox et al. neither disclose nor suggest “providing a information signal usually included in a blanking interval of an analog signal to an OSD generator” and “formatting the information signal as OSD data” as claimed in claim 9 of the present invention. Knox et al. also neither discloses nor suggests “inserting the OSD data [including the information signal formatted as OSD data] into the video signal” as claimed in claim 9 of the present invention. Furthermore, Knox et al. neither discloses nor suggests “providing the analog signal including the information signal formatted as OSD data to an external device” as claimed in claim 9 of the present invention.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within Knox et al. that makes the present invention as claimed in independent claim 9 unpatentable. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

VIII CONCLUSION

Sparks neither discloses nor suggests “receiving an analog video signal including information usually included in a blanking interval formatted as OSD data” as claimed in claim 1 of the present invention.

Furthermore, Ogino neither discloses nor suggests “providing an information signal usually included in a blanking interval of an analog video signal to an OSD generator” and “formatting the information signal as OSD data” as claimed in claim 9 of the present

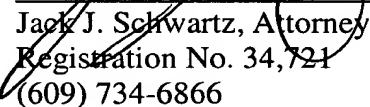
invention. Additionally, Ogino is not concerned with providing information usually included in a blanking interval of an analog video signal when a blanking interval is undesirable or absent. Therefore, it is respectfully submitted that Ogino is not even concerned with the inventive aspect of the present claimed invention.

Additionally, Knox et al., similarly to Sparks, neither disclose nor suggest "receiving an analog video signal including information usually included in a blanking interval formatted as OSD data" and "detecting...extracting...and processing the information for producing a control signal" as claimed in claim 1 of the present claimed invention. Knox et al. also, similarly to Ogino, neither disclose nor suggest "providing a information signal usually included in a blanking interval of an analog signal to an OSD generator" and "formatting the information signal as OSD data" as claimed in claim 9 of the present invention.

Accordingly it is respectfully submitted that the rejection of Claims 1-3 and 5-9 should be reversed.

Respectfully submitted,
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November 1, 2005

APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) A method of receiving information usually included in a blanking interval of an analog video signal the method comprising:

receiving an analog video signal including information usually included in a blanking interval formatted as OSD data;

detecting the information formatted as OSD data;

extracting the detected information from the analog signal; and

processing the information for producing a control signal.

2. (Previously Presented) The method of claim 1, wherein the formatted information is inserted into the analog video signal during non-blanking portions.

3. (Previously Presented) The method of claim 1, wherein the non-OSD control information is control data.

4. (Cancelled)

5. (Previously Presented) The method of claim 1, wherein the information is contained in the digital video signal.

6. (Previously Presented) The method of claim 1, wherein the information is determined by the video receiver.

7. (Previously Presented) The method of claim 1, wherein the formatted information is displayable in an overscan region.

8. (Original) The method of claim 1, wherein the video receiver provides a sync signal to the external device.

9. (Previously Presented) A method of formatting information usually included in a blanking interval of an analog video signal, said method comprising the steps of:

receiving a digital video signal;

providing an information signal usually included in a blanking interval of an analog video signal to an OSD generator;

formatting the information signal as OSD data;

inserting the OSD data into the video signal;

converting the digital video signal to an analog video signal; and

providing the analog signal including the information signal formatted as OSD data to an external device.

APPENDIX II - EVIDENCE

Applicant relies on no evidence other than the arguments presented hereinabove.

APPENDIX III - RELATED PROCEEDINGS

Applicant respectfully submits that there are no related proceedings in this present application.

APPENDIX IV - TABLE OF CASES

1. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
2. *ACS Hospital Systems Inc v. Montefiore Hospital*, 221 USPQ 929,933
(Fed. Cir. 1984)
3. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
4. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438
(Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
5. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ
657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)

APPENDIX V - LIST OF REFERENCES

<u>U.S. Pat. No.</u>	<u>Issued Date</u>	<u>102(e) Date</u>	<u>Inventors</u>
6,034,738	Mar. 7, 2000		Sparks
6,449,425 B1	Sep. 10, 2002		Ogino
6,480,238 B1	Nov. 12, 2002		Knox et al.

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